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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,095	11/10/2000	William R. Belknap	ST9-99-180	2856

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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2616

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,095

Applicant(s)

BELKNAP, WILLIAM R.

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/10/00.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2616

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Claim Objections

1. Claims 41-45 are objected to because of the following informalities:

{A} Claim 44 and 41, depend on themselves, wherein claims 42-43 and 45, depend from claims 44 and 41 and are objected for the same, the claims are not dependent on a independent claims.

The claims will be applied to the art rejection even though the dependence of the claims is objected to.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 and 16-29 and 31-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake (US 6,411,771) in view of Kutner (US 5,489,943).

Regarding claims 1, 2-3, 6-7, Aotake discloses and meets the limitations associated with a computer for processing a video stream received, the apparatus and associated method comprising the steps of:

Art Unit: 2616

- receiving a video stream, wherein the video stream comprises multiple frames (Fig. 6 a, col. 20);
- analyzing the video stream to ID scene changes between frames and an encoder (col. 20, "evaluation of a picture subjected to encoding by referencing the frame memory unit 110", "amount of information" or "amount of code as a result of encoding");
- marking with respect to the field or frames of the video stream (col. 4) and wherein the encoder is a compression encoder which compresses a stream into a file on the computer, claim 10.

Regarding claims 1, 3, 7, Aotake fails to mark fields, fails to clearly disclose updating a data bit, which indicates a scene change.

Kutner teaches marking fields and updates at least a data bit, col. 3, lines 8-11, as taught by Kutner.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Aotake by incorporating marking fields and updating the stream with a marker bit, as taught by Kutner, being an obvious variation on marking video for scene changes, marking the actual fields of the frames, being a design choice to utilize known obvious techniques to mark video fields for scene changes, as would be deemed obvious to those skilled in the art.

Regarding claims 4-5, the combination as applied fails to disclose wherein the field comprises a user or private data fields.

The examiner takes official notice that private and user data fields are known to record additional user or private data, as is well known, therefore, it would have been obvious to those skilled in the art at the time of the invention to store markers in the private or user areas, as these areas are deemed set out for additional data purposes, as is obvious to those skilled in the art.

Claims 8, are deemed analyzed and discussed with respect to the claims above.

Art Unit: 2616

Regarding claim 9, Aotake discloses more than one bit for which indicate the amount a scene has changed in relation to the corresponding scene change attribute, wherein Kutner marks the fields to indicate, but, fails to disclose marking a field with more than one bit, representing the amount of a scene has changed.

It would have been obvious since Aotake generates the additional data, wherein Kutner marks fields.

It would have been obvious to those skilled in the art at the time of the invention to utilize the generated data representing additional bits generated by Aotake and to embed at least some additional data in to the field, as taught by Kutner, as is obvious to those skilled in the art with these references in front of themselves.

Regarding claim 11, Aotake disclose and meets the limitation of wherein a frame of the video file representing a scene change comprises a full frame, Figs. 21 & 24, displayed full frames.

Regarding claim 12, since the scene change is field based, wherein the DELTA frame is less than one full frame, reads on using fields to detect scene changes (see Kutner, as applied).

Claim 13 is analyzed and discussed with respect to claim 9, further rendering obvious to scan the fields having amount of scene change attribute added thereto and to provide an extraction tool to select frame exceeding an amount of scene change (cols. 45-46 and Fig. 19, "exceeding a predetermined threshold value be displayed on the source window 362. The threshold value is entered by the user"), as is deemed obvious to those skilled in the art.

Regarding claim 14, disclose at col. 10, that either the encoder and decoders can b either software or hardware, but, the combination fails particularly mention wherein the extraction tool access the scene change data in the fields in real time.

Aotake discloses that hardware can be used (col. 10), wherein the examiner takes official notice that, hardware is obviously capable of processing at higher levels, than software, such as real time video processing, therefore, it would have been obvious to those skilled in the art, to playback at in real time or the normal playback speed with respect to the video standard and detect additional field data in real time, as is obvious to those skilled in the art.

Art Unit: 2616

Claims 16-29 and 31-44 have been analyzed and discussed with respect to the claims above, but, claims 31-44 represent an article of manufacture, deemed met by the combination with Aotake col. 49, having a program to let a computer process, therefore an article of manufacture or a computer program to facilitate the method with a computer being the hardware.

4. Claims 15, 30 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake (US 6,411,771) and Kutner (US 5,489,943) and further in view of Tonomura et al. (US 6,571,054).

Regarding claims 15, 30 and 45, the combination as applied fails to disclose generating a storybook with the extracted frames.

Tonomura teaches at col. 3, "automatically creates a book like electronic book by a procedure of analyzing a video sequence to detect various events such as a scene change" and

col. 10, lines 58-, "Items that can be placed in page are every kind of data that can be managed by a computer, such as text, images, representing images linked to a video and sound data. All the items that are carried on the electronic image book are items numbers for identification ... ", as taught by Tonomura.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by utilizing the scene change frames and creating automatically creating an electronic image book, wherein the book can have text, therefore, a story book with extracted scene change images, as taught by Tonomura.

Contact Fax Information

Any response to this action should be faxed to:

(703) 872-9306, (for communication intended for entry)

Contact Information

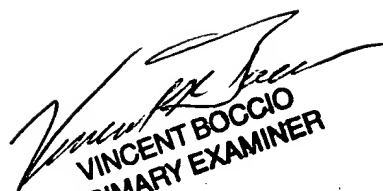
Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Application/Control Number: 09/709,095

Page 6

Art Unit: 2616

Primary Examiner, Boccio, Vincent
6/23/05


VINCENT BOCCIO
PRIMARY EXAMINER